

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                                |   |                    |
|--------------------------------|---|--------------------|
| ARUBA HOTEL ENTERPRISES, N.V., | : | x                  |
|                                | : |                    |
| Plaintiff(s).                  | : |                    |
|                                | : | 07 Civ. 7564 (PAC) |
| -against-                      | : |                    |
|                                | : |                    |
| MICHAEL BELFONTI, et al.,      | : |                    |
|                                | : |                    |
|                                | : |                    |
| Defendant(s).                  | : |                    |
|                                | x |                    |

**INITIAL DISCLOSURE STATEMENT OF  
PLAINTIFF ARUBA HOTEL ENTERPRISES, N.V.  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 26(a)(1)**

Pursuant to Fed. R. Civ. P. 26(a)(1), Plaintiff Aruba Hotel Enterprises, N.V. ("AHE"), by and through its attorneys, hereby provides the following initial disclosures. The information contained herein is based upon the information reasonably and in good faith available to AHE as of the date of these disclosures. Continuing investigation throughout the course of this litigation and information obtained during the course of discovery may necessitate supplementation, alteration, and/or amendment of these disclosures, and may also necessitate identification of other or different potential witnesses, documents, and/or information. This response is non-exhaustive and AHE reserves all rights to supplement, alter or amend any and all information provided herein.

By making the following initial disclosures, AHE does not waive any right to object to the production of any document, tangible thing, information, or witness disclosed herein or elsewhere on the basis of privilege, work product protection, relevancy, undue burden, or any other valid objection that may be raised in response to a discovery request or at the time of any

hearing, trial, or other proceeding. All of the disclosures set forth below are made subject to the above qualifications.

#### **I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION**

Based on the information reasonably available to AHE at this time, AHE identifies the following individuals who are likely to have discoverable information that AHE may use to support its claims, other than solely as impeachment evidence:

- Michael Belfonti

c/o Kobre & Kim  
800 Third Avenue  
New York, NY 10022

Subjects: No loans were made by defendants Belfonti Holdings, LLC and Belfonti Capital Partners, LLC to AHE during the time that AHE was beneficially owned and controlled by Michael Belfonti ("Belfonti").

- Marieta Ras, Chief Executive Officer of AHE

c/o Proskauer Rose LLP  
1585 Broadway  
New York, NY 10036

Subjects: No loans were made by defendants Belfonti Holdings, LLC and Belfonti Capital Partners, LLC to AHE during the time that AHE was beneficially owned and controlled by Belfonti.

#### **II. DOCUMENTS AND TANGIBLE THINGS**

Mortgage Loan Agreement between AHE and WIBC Aruba N.V. (an affiliate of Wachovia Bank, National Association), dated May 3, 2006.

#### **III. DAMAGES**

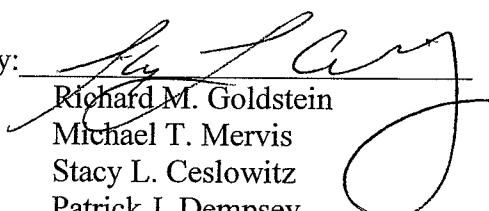
AHE is not presently claiming damages in this litigation, but reserves the right to seek attorneys' fees, costs and other litigation expenses incurred by AHE to the extent recoverable under applicable law. Those fees, costs and expenses cannot be measured at this time.

**IV. INSURANCE**

Not applicable.

Dated: New York, New York  
November 26, 2007

PROSKAUER ROSE LLP

By: 

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*Attorneys for Aruba Hotel Enterprises N.V.*